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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,484	10/27/2003	Kurt R. Murray	PGARD-P004-01 *	4273
27268	7590	07/12/2007	EXAMINER	
BAKER & DANIELS LLP			PUROL, DAVID M	
300 NORTH MERIDIAN STREET				
SUITE 2700				
INDIANAPOLIS, IN 46204				
			ART UNIT	PAPER NUMBER
			3634	
			MAIL DATE	DELIVERY MODE
			07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,484

Applicant(s)

MURRAY ET AL.

Examiner

David M. Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1-4,7-17,20,21,28,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 5,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 3634

1. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims attempt to depend upon a cancelled claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,7-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Buchanan. Buchanan discloses a window barrier comprising a frame 8 which includes upper and lower members, a barrier element 9, a securing member 11 operably coupled with door trim 5,6,7 and positioned in spaced relation to the window channel.

The applicants state that Buchanan fails to provide any structure positioned intermediate the door frame and the door for preventing movement of the window barrier by such positioning. This is not convincing for the frame 8 of Buchanan has an upper member (see figures 1 and 2) with securing members 11 disposed thereon which has the explicit purpose of maintaining the frame in a predetermined position within the window opening 3 which is intermediate the door frame and the door.

Art Unit: 3634

3. Claims 12-17,28,30,31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moss et al. Moss et al disclose a window barrier comprising upper and lower frame members 14, barrier elements 16, first and second securing members 18,22.

The applicants argue that Moss et al. fails to disclose a lower frame member including a panel rest portion, a retaining flange, and a connecting portion connecting, and positioned intermediate, the panel rest portion of the retaining flange, in combination with at least one barrier element supported by the connecting portion and the lower frame member, such that the barrier element is laterally positioned intermediate the panel rest portion and the retaining flange. This is not convincing for the vertical flanges of the single channel 26 depending downwardly from the horizontal flange of the double channel 23,24 responds to the claimed panel rest portion, retaining flange, and connecting portion positioned intermediate therebetween.

The applicants further argue that Moss et al. provides no disclosure of an upper clip coupled to a barrier frame and including an outwardly extending first arm, a downwardly extending second arm, and a connector connecting the first arm and the second arm, wherein the first arm extends in a substantially horizontal plane, and the second arm extends substantially perpendicular to the first arm. This is not convincing for the horizontal flange from which the upright fin 21 extends fully responds to the claimed first arm.

Art Unit: 3634


4. Claims 5,6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 18,22-27 are allowed.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Glessner, can be reached at (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David M Purol
Primary Examiner
Art Unit 3634